

**MINUTES**  
**LAKE COUNTY ZONING BOARD**  
**JULY 6, 2005**

The Lake County Zoning Board met on Wednesday, July 6, 2005 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, July 26, 2005 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Paul Bryan, Chairman	District 5
Donald Miller	Member-at-Large
Larry Metz	School Board Representative

**Staff Present:**

Jeff Richardson, AICP, Planning Manager, Planning and Development Services Division  
John Kruse, Senior Planner, Planning and Development Services Division  
Rick Hartenstein, Senior Planner, Planning and Development Services Division  
Stacy Allen, Senior Planner, Planning and Development Services Division  
Mary Hamilton, Senior Planner, Planning and Development Services Division  
Jennifer DuBois, Planner, Planning and Development Services Division  
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division  
Melanie Marsh, Assistant County Attorney

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance, and Larry Metz gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed that Proof of Publication is on file in the Planning and Development Services Division and that the meeting has been noticed pursuant to the Sunshine Statute. He explained the procedure to be used in hearing the cases. He stated that all exhibits presented at this meeting by staff, owners, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

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**Minutes**

**MOTION by Timothy Morris, SECONDED by Larry Metz to approve the June 1, 2005 Lake County Zoning Board Public Hearing minutes, as submitted.**

Mr. Metz commented that the minutes prepared for this Board are always excellent, and he appreciated it. Mr. Morris thanked Sherie Ross for her work. Chairman Bryan concurred.

**FOR: Morris, Blankenship, Gardner, Bryan, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Herndon**

**MOTION CARRIED: 6-0**

**Discussion of Continuances**

Jeff Richardson, Planning Manager, stated that a request has been received for a 30-day continuance of PH#41-05-4. He said the applicant for PH#48-05-2 has requested an indefinite continuance in order to work out some issues. They will notify the County when they would like to come back to this Board. Staff will then repost and renotify in accordance with the Code and Statute. When Timothy Morris asked the definition of an indefinite continuance, Mr. Richardson replied that the applicants were not sure of the time they would need to address the issues or rework some of the proposals. When Mr. Morris asked if there was an end to an indefinite continuance, Melanie Marsh, Assistant County Attorney, said there is nothing in the Code that states the continuance would expire after a certain amount of time if they did not bring it to this Board or withdraw it. Mr. Morris said he did not want indefinite continuances to be used to work against those in opposition. Mr. Richardson pointed out that an indefinite continuance allows neighbors to be aware that there is a case pending versus withdrawing and resubmitting at a later date.

James Gardner said he had a problem with indefinite continuances. However, he did not have a problem with 30-day or 60-day or longer continuance; but he did not like the idea that a continuance could go on forever. By granting indefinite continuances, it is allowing applicants to set the Zoning Board agenda rather than staff. He would prefer a 90-day continuance and then continue it further at the end of the 90 days, if necessary.

Mr. Richardson stated that a 30-day continuance has been requested for PH#60-05-2, and an indefinite continuance has been requested for PH#61-05-2.

**CASE NO.: PH#41-05-4**

**AGENDA NO.: 1**

**OWNER: Swansea Properties, LLC**  
**APPLICANT: Steven J. Richey, P.A.**

There was no opposition in the audience to a 30-day continuance.

**MOTION by Timothy Morris, SECONDED by Donald Miller to continue PH#41-05-4 until the August 3, 2005 Lake County Zoning Board public hearing.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: PH#48-05-2

AGENDA NO.: 2

OWNERS: David Warren and Cra-Mar Groves, Inc.  
APPLICANT: BJM Associates, Inc.

Chairman Bryan stated that an indefinite continuance has been requested for this case.

As he mentioned last month, Scott Blankenship said he has a conflict with this case so he will not be voting on this continuance.

There was no one present to represent this case.

Dolores Riveria, president of the master homeowners' association for Magnolia Pointe and a neighbor to the east of the subject property, said this is the second time they have come to this forum in an attempt to make their comments known. They have not had any informal opportunity to discuss their concerns. Their letters of comment are on file. They are not opposed to a continuance to work through issues, but they are opposed to an indefinite continuance for some of the reasons discussed by the Board. They would like to see the issued worked through in a good faith effort.

Steve Richey said this is not his case, but he would like to address the issue of an indefinite postponement. An indefinite continuance is beneficial because people do not come to the public hearing each month if the case is not ready to be heard. On his case for an indefinite continuance to be heard later, there are some Comprehensive Plan issues that may never be resolved. Rather than withdraw it and refile, he is asking for an indefinite continuance. It will be fully readvertised, reposted, and renoticed when it is to be heard. He felt that was fairer than having people come back in 60 days and continue it again.

In response to Timothy Morris, Jeff Richardson, Planning Manager, said that if a continuance is granted at a public hearing, it is set to a time certain; and the property is not reposted. If a case is continued indefinitely, the property is reposted. The existing signs will be removed, and new signs will be posted when a new date is set. This will allow people to be aware that a case has been reactivated.

When Scott Blankenship asked if there was any way the process could be improved to make it easier for the applicant and citizens, Mr. Richardson said he would be willing to work to do that.

James Gardner said he did not recall this Board ever granting an indefinite continuance. He felt it was a bad practice and did not want to see it get started.

**James Gardner made a motion to continue PH#48-05-2 for 90 days, but it died for lack of a second.**

**MOTION by Donald Miller, SECONDED by Robert Herndon to continue PH#48-05-2 indefinitely.**

**FOR: Morris, Herndon, Bryan, Miller, Metz**

**AGAINST: Gardner**

**ABSTAIN: Blankenship**

**MOTION CARRIED: 5-1**

**CASE NO.: PH#60-05-2**

**AGENDA NO.: 3**

**OWNER: Rodney L. Yawn and Ryan L. Yawn**

Chairman Bryan noted that a 30-day continuance has been requested for this case.

There was no one present to represent the case, and there was no opposition in the audience to the continuance.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to continue PH#60-05-2 until the August 3, 2005 Lake County Zoning Board public hearing.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

**CASE NO.: PH#61-05-2**

**AGENDA NO.: 7**

**OWNER: William Booth**  
**APPLICANT: Steven J. Richey, P. A.**

Chairman Bryan noted that an indefinite continuance has been requested for this case.

Steve Richey was present to represent the case. There was no opposition in the audience to the continuance.

**MOTION by Donald Miller, SECONDED by Robert Herndon to continue PH#61-05-2 indefinitely.**

**FOR: Morris, Blankenship, Herndon, Bryan, Miller, Metz**

**AGAINST: Gardner**

**MOTION CARRIED: 6-1**

CASE NO.:

PH#57-05-5

AGENDA NO.:

4

OWNERS/APPLICANTS:

Jack and Deborah Wilkerson

Stacy Allen, Senior Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the monitor. She noted that two letters of opposition had been received.

Jack Wilkerson was present to represent the case. He submitted a lot plan as Applicant Exhibit A. He said the initial two planners, which did not include Ms. Allen, recommended R-3 zoning. R-3 zoning is probably a higher density than they would personally want. However, that is what they were instructed to file for. He felt that may have been predicted on the fact that all the properties to the north of the property are zoned R-3; all the properties to the south are Umatilla city property, which come back to R-3 standards even if they are five-acre parcels. The three parcels shown on the aerial that are not currently within Umatilla city limits have already signed agreements to be annexed into the City. The property to the direct south of the latitude line of the subject property is currently supplied with the Umatilla public water supply. The Umatilla Utilities Director stated that the City would not supply a six-inch main to the subject property unless it was zoned something more dense than Agriculture. The future land use is Urban. The subject property touches the City of Umatilla on the southwest corner. A single-family dwelling unit would be constructed on the 1.7-acre parcel, which is an exchange for the eight-acre parcel to the contractor to build the home. All the improvements to the property have been to clear junk trees and plant pasture grass. The current plan is an investment property to be held for an indefinite period of time. Therefore, he could not promise that there would be enough homes to justify Umatilla's cost of running the main. He does not have any grand subdivision development plans. He apologized to the neighbors for the piece of heavy equipment on the property, which was used in clearing off some burning. He has met with the neighbors. Although to the east and west of Peru Road are rural properties, this property is a short distance from a school and shopping. With the exception of water and sewer, Mr. Wilkerson said this property does fall under the R-3 classification. According to the City of Umatilla, the water main can be extended privately; but he has not offered to do that at this time as they do not have any subdivision plans.

Paul Bryan asked if he understood correctly that Mr. Wilkerson had said the larger tract would be traded to the contractor and that Mr. Wilkerson would lose control of that property. Mr. Wilkerson acknowledged that the contractor could develop at R-3 if this rezoning is approved if the contractor brings in water and sewer. When Mr. Bryan asked if he had considered a family lot split, Mr. Wilkerson said they had requested a family lot split; but Lake County Planning told them about the R-3 zoning. When Mr. Bryan asked if this property would meet the requirements for a family lot split, Ms. Allen said this property is currently zoned Agriculture, which requires a minimum five-acre parcel. Therefore, Mr. Wilkerson would need to rezone first; and then proceed with a minor lot split.

John Kruse, Senior Planner, added that family density exemptions are not permitted in the Urban future land use classification. However, Mr. Wilkerson would not qualify for a family density exemption. He said he did meet with Mr. Wilkerson. He was aware that the builder would retain the remaining property. In response to Mr. Bryan, Mr. Kruse said that he had told Mr. Wilkerson that if there was water and sewer available, he could possibly get up to R-3, but he did not tell Mr. Wilkerson he could rezone to R-3. Mr. Wilkerson could probably meet his needs by rezoning to R-1.

Mr. Wilkerson said that whether this is rezoned to R-1, R-2, or R-3 affects the amount of land usage for access due to the width requirements. He said this property lost one acre due to a failure to survey Lake Street when the roadway was paved. At the time of acquisition in 1998, they discovered it. The County had "lopped off" one acre of the property, landlocking the orange grove to the west by more than 20 feet. They did not oppose the acre lost to Lake County as that was an inadvertent mistake nor have they exercised the right to landlock the orange grove owner who has been using their property for harvesting purposes.

Pat Sykes-Amos, who owns property to the north, pointed out those in the audience who shared the opinions she was about to offer. When she purchased her property, it was zoned Residential Estates, which is no longer a classification. Unknown to her, her property has been rezoned to R-3. She will be coming to

**CASE NO.:** PH#57-05-5 **AGENDA NO.:** 4  
**OWNERS/APPLICANTS:** Jack and Deborah Wilkerson **PAGE NO.:** 2

this Board to be rezoned back to R-1. She said this property has a five-acre parcel and a slightly smaller parcel, both zoned Agriculture that could be built on. It is her understanding that the idea is to trade the property in order to have a house built. R-1 zoning requires a wider access than R-3. In response to Mr. Bryan, Jeff Richardson, Planning Manager, said there is no minimum requirement for a driveway. He felt they may be referring to lot frontage. The lot frontage applies only when a lot split is done versus platting. R-1 requires 100 to 150 feet of lot frontage versus 75 to 100 feet of lot frontage required in R-3.

Ms. Sykes-Amos said she and the neighbors do not want 30 houses on the ten acres especially when the lake is so clean and she would be downhill to the 30 septic tanks. She spoke of the wildlife in the area. They understood Mr. Wilkerson's right to build, but they would like the character of this neighborhood to stay. Most of the lots near the school are five to six acres with one home already built on each lot. They are also concerned about water quality. Regarding the economic benefit to Lake County, it has been shown that every house that is built in this County costs in perpetuity almost \$500 a year to offset the cost of services. A lower density would result in larger homes that would pay higher taxes and require fewer services. The nearby school is already crowded. The children would have to walk on Lake Street near a dangerous curve. Peru Road is only partially paved. The neighborhood does not want this R-3 zoning; AR zoning would be their choice.

Kathy Hibbard, who lives south of the subject property, commented that Mr. Wilkerson had said that the families in this area had applied to the City for annexation. She knows of no one who has done that. She would like to know where Mr. Wilkerson got that information. She agreed that their lake is very pure and that the school is very crowded.

Greg Tyhe, who owns property across the street from the subject property, said he would like to see the character of the neighborhood stay the same with low-density zoning.

Ron Chapman, builder for this property, said the County had recommended applying for R-3 zoning. From the beginning, he had wanted R-2 zoning. The purpose of this request is to allow him to build a house for the Wilkersons. Mr. Wilkerson has been researching this house for 20 years. This house will reflect a new trend in the industry. After building Mr. Wilkerson's house, he would like to continue that concept. To do that, he would like to put two houses per acre. He does not plan to do anything for two to three years until he completes some existing projects. He wants to keep this property as pasture for now.

In response to Ms. Hibbard, Mr. Wilkerson said he had spoken to staff at the City of Umatilla and was informed that the properties to the south to which they supplied water had to sign a letter that they would agree to be annexed. He added that it was the second planner who recommended R-3 zoning. The original planner said it should probably be filed under R-3 zoning. He agreed with the neighbors that he did not want to see a high-density residential subdivision on his property. Water and sewer would be required. The nearest sewer line is 1,000 feet away by line of sight. It is probably closer to three-quarter mile by following the roadways. To have a high-density development, it would require a developer with much greater resources than Mr. Chapman has. The water is easily available; it would cost \$10,000 to \$12,000. He submitted a drawing of his house as Applicant Exhibit B and discussed it. He felt it would set a new standard for quality of design.

Scott Blankenship asked that the confusion about the R-3 versus R-2 zoning request be clarified. He said he understood the fear of the unknown by the neighbors should Mr. Chapman decide to sell the property.

Mr. Bryan questioned why Mr. Wilkerson applied for R-3 zoning when he does not want high-density development. Mr. Wilkerson reiterated that R-3 is what staff recommended. Mr. Bryan pointed out that the staff has recommended denial of R-3 zoning in the staff report. Mr. Wilkerson replied that the planner who wrote the staff report was not the staff they had met with.

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**OWNERS/APPLICANTS:** Jack and Deborah Wilkerson **PAGE NO.:** 3

James Gardner stated that the staff report indicates that either R-1 or R-2 zoning would permit the building of this single-family home. Ms. Allen said that was correct. Mr. Gardner said it appears that the applicant understands that.

Mr. Bryan said he is familiar with this area and the subject property as well. This area is rural, and he personally could not support anything greater than R-1 as that would allow Mr. Wilkerson to do what he wants to do. He did not feel that either R-3 or R-2 would be appropriate.

Mr. Blankenship agreed that R-1 would be more conducive to the neighborhood.

Donald Miller pointed out that Mr. Chapman will be getting a majority of the property, and he wants the higher density to offset his costs.

Timothy Morris confirmed with Ms. Allen that she had received a letter from the City of Umatilla stating that they would not run the water lines to this property. He asked if the applicant could extend the lines if he wanted to. Mr. Richardson said he did not know if the City did not want to run the lines to this property or if they did not have the capacity to serve that area. Due to the character of the area, Mr. Richardson said that even with water and sewer, staff could not support more than R-1 zoning.

In response to Mr. Gardner, Ms. Allen said the City of Umatilla had sent a letter stating that water and sewer are not within the required distance for them to extend services at this time.

**MOTION by Donald Miller, SECONDED by Timothy Morris to recommend denial of R-3 zoning in PH#57-05-5.**

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

**AGAINST:** None

**MOTION CARRIED: 7-0**

Ms. Allen explained to Mr. Wilkerson that this request would go forward to the Board of County Commissioners. At that time, he could request R-1 zoning.

CASE NO.: PH#53-05-1

AGENDA NO.: 5

**OWNER:** Blount & Becerra Properties, Inc.  
**APPLICANT:** Fred Hamilton

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor. She noted that no letters of support or opposition had been received.

Timothy Morris confirmed with Ms. Allen that there had been no School Board comments received.

Harry Fix, Lake County School District, Growth Planning Department, apologized for not submitting School Board comments. He said they have been short staffed for about five weeks. The planner who will replace Terry Adsit is Dawn McDonald. Regarding this case, he said he was looking at the totality of the impact of the entire 86.7 acres. The schools that service this area are Villages Elementary School, Carver Middle School, and Leesburg High School. At year-end enrollment, the elementary school was at 100 percent capacity, the middle school where some modernization is taking place was at 93 percent capacity, and the high school was at 77 percent capacity. Mr. Morris asked if Fruitland Park Elementary was at capacity or under capacity. Mr. Fix did not have the statistics for that school, but he said the attendance zone for this property is the Villages Elementary School. If Fruitland Park Elementary School is at 70 percent capacity, Mr. Morris suggested moving the lines to fill up the elementary school. If this project were to go forward, Mr. Fix said the middle school capacity would also be very close to 100 percent. He pointed out that attendance boundaries are looked at each year, but not necessarily moved each year. He did not think there is a lot of extra capacity at Fruitland Elementary School. In response to Mr. Morris, Mr. Fix said his calculations show that if this project goes forward at 3.5 units per acre, it would add 56 students to the elementary school, 30 students to the middle school, and 37 students to the high school.

Jay Chaudhari was present for Ted Wicks, engineer, who could not be at this public hearing due to a family emergency. He said there is a lot of growth in this area. They have already spoken to Fruitland Park about putting in a future covenant to annex in the future. Their target market will be retirees. Spring Lake Pines, which is a subdivision behind the subject property, has retirees. When Mr. Morris asked if this will be a deed-restricted 55 plus community, Mr. Chaudhari said he was not sure yet since they are still in the preliminary stages. However, they would have no problem doing that. Mr. Morris said the School Board would like that. Mr. Chaudhari said that is open for discussion. They have spoken to Fruitland Park about participating in the construction of a central water plant on-site. There are plans to construct a sewer plant to be completed in about a year. The lines will be extended along this area. Their engineer recommended that septic tanks with stub outs be placed on the lots. When the sewer lines become available, the lots can connect. Fruitland Park was agreeable to that. Scott Blankenship questioned whether the people who buy these lots will know about the expense of connecting to sewer. If construction will begin in about a year and the sewer lines will be completed in a year, Mr. Blankenship questioned why stub outs are necessary. Mr. Chaudhari said Mr. Wicks suggested the idea in case the timelines do not work out. Jeff Richardson, Planning Manager, said that would be discussed at Development Review Staff (DRS). By the definition of the policies in the Comprehensive Plan, an interim system is not a septic tank. The policies refer to an interim system that must be monitored such as a temporary package plant system or connection to a regional system.

When Paul Bryan asked if the applicant would be receptive to an R-3 zoning, Mr. Chaudhari said they would be. The application for rezoning was made before they came into the picture and took over the project.

Larry Metz strongly encouraged Mr. Chaudhari to try to get the "55+" idea approved by his principles. From a School Board point of view, they do not want overcrowding in the schools. A benefit to the applicant would be that no impact fees would be required. If they proceed with the covenant to annex in the future, Mr. Chaudhari commented that Fruitland Park had said their schools would be available for this project to use.

CASE NO.: PH#53-05-1

AGENDA NO.: 5

OWNER: Blount & Becerra Properties, Inc.  
APPLICANT: Fred Hamilton

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Jean Bombardo, adjacent five-acre ranch owner to the east, said it is her understanding that this is not the only property this builder is associated with. They are also petitioning the 60 acres across the street next month. She did not know if the same schools would be impacted by that property. She was not aware that water and sewer were coming to the area, and she was concerned about losing some road frontage. She would prefer three homes rather than four homes per acre as this is a rural setting although they are close to The Villages. She would like the density to be kept as low as possible. There are large properties along Lake Ella Road.

Mark Farner said he lives off Lake Unity Road and is not connected with this property at all. However, he felt that R-4 would be out of character for this area. After some investigation, he noticed some inconsistencies between the facts as he knows them and the facts that have been presented by the staff. He wants to make sure everyone knows the facts before a decision is made. He is opposed to this request. Regarding the residential density chart, he questioned the 'use of land previously altered' that received ten points. Based on the definition in the Land Development Regulations (LDRs) and Comprehensive Plan, Mr. Richardson said it refers to anything that was previously used as improved pasture or orange grove; basically the land has been disturbed in some way, shape, or form. Mr. Farner also asked about the proximity to a designated commercial activity center, commercial corridor, municipality or employment center. The applicant received 20 points for being within one-half mile of a municipal. He submitted a map as Applicant Exhibit A. He said the nearest city limit is the City of Lady Lake, which is approximately one-half mile away. The actual city limits for Fruitland Park, where they would be contracting for water and sewer, appears to be about a mile away. US 441 is about 1-1/2 mile from this property. He asked whether the response from Fruitland Park regarding the availability of water and sewer was a written response or a phone call. When he called the City Building Department, he was told that water and sewer was going to be run along US 441 down to Lake Ella Road. From that point it was up to the developer to connect to the water and sewer. That would be 1-1/2 mile away, up and down some hills that may require lift stations. If they went any other route, the City would probably want to connect all the residents that are living in the subdivisions to the north and east of this proposed site. He noticed in the findings that this R-4 zoning request was based on similar zoning in the surrounding area. He submitted a second map as Applicant Exhibit B and a third map (Applicant Exhibit C) with the zoning in the area shown. Most of the area surrounding the subject property is zoned R-1. The subdivision to the south is zoned on the map as R-3. That is the Spring Lake Pines Subdivision. There are no three homes per acre in that subdivision. Most of the lots are two-thirds to three-quarters of an acre or more. There are still lots available in that subdivision. He questions whether the residents of that subdivision were aware that access to this proposed subdivision would be through their neighborhood. He submitted a plat of Spring Lake Pines, Phase 2 as Applicant Exhibit D and a drawing of Lots 50 through 55 (Applicant Exhibit E) showing the sizes of those lots as over two-thirds of an acre.

Mr. Bryan said the information he has indicates that the surrounding zoning varies from Agriculture to R-3. Mr. Farner said Spring Lake Pines is the only R-3 zoning on the map, and it is clearly a lot less dense than R-3. His concern was that changing a property from R-1 to R-4 zoning is going to set a precedent that will be used for future development. On Lake Ella Road, there is a lot of pastureland available for development. The Villages is very close by. He would like to see the City of Fruitland Park's plan on when they plan to extend their water and sewer lines to that site. He was very skeptical of the entire presentation.

In response to Timothy Morris, Mr. Farner said he lives about five miles from this site.

At the request of Mr. Morris, Ms. Allen read into the record a portion of the letter from Fruitland Park regarding the availability of water and sewer.

Scott Blankenship asked Ms. Allen to clarify the distance question asked by Mr. Farner. Ms. Allen

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AGENDA NO.: 5

OWNER: Blount & Becerra Properties, Inc.  
APPLICANT: Fred Hamilton

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explained that the City of Fruitland Park limits as the crow flies are about .73 mile from this site. Even if points were given for a mile from a municipality rather than one-half of a mile, Mr. Richardson said this project would still have received enough points to qualify for 3.5 units per acre.

Sharon Theriault, resident of Spring Lake Pines, said not everyone in this subdivision is 55 years of age or over. Most residents have children. This meeting was the first she had heard that Spring Lake Pines would serve as an access to this proposed subdivision. She was also not aware that sewer would be available. She questioned if those who have wells and septic tanks will have a financial burden to hook up to the sewer system. Mr. Blount had told them that the proposed subdivision would not affect them. Now it appears as if it will. The lots in the subdivision have a lot of land (many have an acre, some a little less) with little traffic.

Mr. Bryan said he did not recall hearing the applicant state that traffic would go through their subdivision. He will ask the applicant to address that.

Alberta Webber said she has the same concerns as Ms. Theriault and would like some clarification. Every street in their subdivision ends in a cul-de-sac. She spoke of the beautifully big lots in their subdivision. She said her property has a right-of-way that she was told would never be a street; it was for storm drainage only. She would like that clarified.

Mr. Chaudhari said the design of the subdivision is to only access from Lake Ella Road. Regarding the water, they have already spoken with the City of Fruitland Park to build a water plant on-site. The reason why Spring Lake Pines was designed with larger lots was because the original developer was not able to get water and sewer so he could not develop under R-3 zoning. In response to Mr. Metz, Mr. Chaudhari said their intention is to have three units per acre.

Robert Herndon asked if there was a mechanism whereby this Board could deny without prejudice to allow the applicant the opportunity to discuss the possibility of 55+ residents only. Melanie Marsh, Assistant County Attorney, said she did not know if that would be relevant in this situation since this is straight zoning and conditions cannot be added.

Mr. Morris confirmed with Ms. Marsh that this Board could deny R-4 zoning and approve R-3 zoning since R-3 is a lower density than what was advertised. Mr. Bryan said it would not be necessary to deny the R-4 request. They could just make a motion for R-3 zoning. He said he would be more comfortable with R-3 zoning. Mr. Morris concurred.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of R-3 zoning in PH#53-05-1.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: Metz**

**MOTION CARRIED: 6-1**

CASE NO.: PH#55-05-1

AGENDA NO.: 6

OWNER/APPLICANT: Frank Starr

Mary Hamilton, Senior Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the monitor. She noted that three letters of opposition had been received.

Frank Starr thought it was not unusual to rezone a property before utilities are in. Paul Bryan explained that the Lake County Land Development Regulations (LDRs) require the availability of utilities for this type of zoning. Mr. Starr said the County rezoned all the property along SR 44, and those properties did not have utilities when they were rezoned. Mr. Bryan said the properties may be in the City of Leesburg or Ms. Hamilton said the rezonings may predate the Comprehensive Plan. Mr. Starr explained that he wants to rezone this property so he can sell it.

Scott Christley said he recently built a home directly east of the subject property. He already has mini-warehouses on the highway next to him. He does not want this property to be rezoned to LM so he is boxed in with industrial activities on both sides of his home. That is his main objection. There is nothing but homes on Whitney Road. Most of the neighbors are opposed to this rezoning. In response to Mr. Bryan, Mr. Christley said he owns five acres.

Ben Christley, father of Scott Christley, said his son just finished building his dream home. If this property is rezoned, his son may have to sell his home. This rezoning will decrease property values.

Mr. Bryan confirmed with Ms. Hamilton that the lack of utilities was the basis for the recommendation of denial.

Donald Miller pointed out that this property adjoins LM zoning on the road. Mr. Bryan noted that this area is predominantly industrial and has been that way for years. Timothy Morris said the MP property was rezoned about 18 months ago, and at that time there were concerns.

**MOTION by Scott Blankenship, SECONDED by Donald Miller to recommend denial of LM zoning in PH#55-05-1.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: PH#13-05-1

AGENDA N O.: 8

**OWNER:** Amentano Enterprises, Inc. aka ACA Academy  
**APPLICANT:** Steven J. Richey, P. A.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He said staff would be against amending this Conditional Use Permit (CUP). That was the way this type of situation was addressed years ago, but now a rezoning to CFD would be the appropriate method.

Timothy Morris asked Mr. Hartenstein his opinion of what the attorneys have worked out. Mr. Hartenstein said he could support it. He felt they have worked out most of the issues. Some of it will need to be reevaluated in six months. He did not have a problem with that. That has been done in the past. Noise is the biggest issue. They are still working on the highlighted version in the backup material. There may be some language change regarding the hours of operation for sound attenuation-type operations. In addition, there has been discussion about a sound wall.

Regarding Page 4, Item 5 of the staff ordinance, Mr. Morris asked about the terminology relating to the Lake County Sheriff's office. The way the Noise Ordinance is written, Mr. Hartenstein said the Sheriff's Office does have the power to enforce it. The County also has power to enforce it through Special Master with Code Enforcement. In addition, everyone has the right to go to Civil Court to seek an injunction. Mr. Morris said he thought the terminology was a little stronger than he had seen before.

Steve Richey was present to represent the case. He said he and Chuck Johnson have been working on this revised ordinance together. He explained that the ACA Academy is now known as Camp Geneva. Many of the activities taking place now go back to the 1966 timeframe. In 1971 and 1973, conditional use permits were granted, but the initial facilities were built prior to zoning in Lake County. The original uses have evolved. One of the major concerns that is present today is the way church people celebrate with amplified music and percussion. This camp entertains church groups from all over Florida as well as marching bands and cheerleading groups. He stated that Mr. Johnson has written up an ordinance that deals with the concerns regarding noise. Mr. Richey rewrote the ordinance and changed several paragraphs. They have agreed that amplified noise would cease at 10 p.m. He discussed the landscaping that would be added. Over the next six months, they will adjust their noise on site. If noise continues to be a problem, in six months they will provide a noise-attenuating wall. He and Mr. Johnson have agreed on this issue and will develop language for that condition prior to the Board of County Commissioners (BCC) public hearing. He submitted his version of the ordinance as well as a landscaping plan and sound engineering protocol as Applicant Exhibit A.

Chuck Johnson said the neighbors are not saying that the wall is not necessary; they want language in the ordinance saying that if the noise does not stop, a wall will go up. Six months will be given to determine if a wall should be constructed. He added that this is not a reduction of the Noise Ordinance between the hours of 8 a.m. and 10 p.m. The Lake County Noise Ordinance will still be in effect during those hours. He added that the neighbors have had problems with deputies telling them that enforcing the Noise Ordinance was not their responsibility. The ordinance with this CFD will empower them. From his perspective, Mr. Richey said the deputies have that power now. He said he felt the owner has conscientiously tried to deal with the noise problem.

When Paul Bryan asked if this case will automatically come back before this Board in six months, Mr. Richey said that is what he would suggest. It will at least come back to the BCC. In response to Mr. Bryan, Mr. Johnson said he felt he and Mr. Richey had worked out the appropriate changes.

When James Gardner suggested changing the lighting back to 10 p.m., the same as the noise, Mr. Richey said the only lighting on site after 10 p.m. is for security. No change was necessary.

Mr. Morris was informed by Mr. Johnson that he is representing Mr. and Mrs. Darren Steele. Mr. Johnson said he has talked to other members of the community, and they are interested.

**CASE NO.:** PH#13-05-1 **AGENDA N O.:** 8  
**OWNER:** Amentano Enterprises, Inc. aka ACA Academy **PAGE NO.:** 2  
**APPLICANT:** Steven J. Richey, P. A.

Mr. Johnson thanked the Zoning Board for the work they do for the County.

When Larry Metz spoke of typographical errors he had noticed in the draft ordinance, Mr. Hartenstein said those would be corrected when staff gets the final draft from the attorneys.

Mr. Richey stated that one of the R-3 rezonings that this Board approved earlier in the public haring is adjacent to this property. He said that piece of property may need to be buffered by the developer. It is vacant now so the owner of this property has provided no buffer.

Alberta Webber, resident of Spring Lake Pines, which is adjacent to this property, said the noise on this property starts at 7:30 a.m. and continues past 10:30 p.m. They were told by a deputy the other day that it would stop at 9:00, and it was still going on at 10:30. If the building has been soundproofed, it is not working.

Sharon Theriault said people keep saying this is a camp for Christians yet that is not all they are advertising on their website for this property. The amplified music will get worse instead of better. One Saturday morning the noise began at 7 a.m. Although they have said things will change, nothing has been done.

Mr. Richey said that over the past several months, they have spent a lot of money on improvements. They have moved a resident manager back on the property. They have agreed to hire a sound expert over the next several months to evaluate the problem and review the methodology that has been proposed. He acknowledged that this is not just a church camp. They have many different activities that take place on the site. They are dedicated to fixing the problems. They didn't used to have these problems. However, more people have moved into the area, and the churches have evolved into a different kind of music. They are aware that they are subject to the Noise Ordinance.

When Mr. Morris asked if this case should come back to this Board in six months prior to being heard by the BCC, Melanie Marsh, Assistant County Attorney, said that condition could be added to the ordinance. Mr. Morris said he would feel more comfortable if this came back to the Zoning Board.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of CFD zoning in PH#13-05-1 based on the ordinance submitted as Applicant Exhibit A with the following conditions:**

**The hours of operation shall be 8 a.m. to 10 p.m. with no amplified music allowed before 8 a.m. or after 10 p.m.**

**A Type "C" landscape buffer shall be installed with a contingency for a ten-foot wall if the sound problem is not resolved by the landscape buffer.**

**In six months after approval by Board of County Commissioners (BCC), this case shall come back before this Board and the BCC.**

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

CASE NO.:

PH#62-05-4

AGENDA NO.:

9

OWNERS/APPLICANTS:

**Joe & Ruth Black and Scott &  
Heather Lauderbaugh**

John Kruse, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor. He explained that this property is made up of two 2.3-acre parcels. He showed a picture from the staff report showing the parcel belonging to the Blacks and the parcel belonging to the Lauderbaughs. Mr. Kruse said he has spoken with Bill Price, Lake County Agriculture Extension Agent, and was told the recommendation from the Institute of Food and Agricultural Services (IFAS) is one horse per two acres depending on the type of land and pasture provided. This request would be consistent with the recommendation of IFAS.

Timothy Morris confirmed that this rezoning cannot be conditioned. Since it cannot be conditioned, Mr. Kruse said he agreed with concerned neighbors that it would be difficult to enforce only one horse or no chickens.

Paul Bryan asked if there are any limitations on the number of animals under R-1. Melanie Marsh, Assistant County Attorney, said she is not aware of any restrictions on farm animals. The animals must be for personal use, but there is no number. Mr. Kruse said there was a restriction in the Land Development Regulations (LDRs) as far as the number of chickens, but that relates to the Wekiva area. Ms. Marsh added that there might be a number to qualify as a chicken farm. Mr. Kruse said staff consults with the Extension Service. They have IFAS publications that indicate appropriate numbers. The only other resource would be Animal Control.

Ruth Black was present on behalf of Scott and Heather Lauderbaugh, her husband, Joe Black, and herself. When she purchased the property, she was misinformed by the real estate agent that horses were permitted. During construction of her house, she learned from a neighbor that horses were not allowed. For the two years they have lived there, they have discussed with the neighbors her desire to bring her horse home. They all have been opposed to it. She has only one horse. She could not afford to do the rezoning alone so the Lauderbaughs decided to also rezone their property. They have no farm animals. They are rezoning their property for resale value. She has considered having a pony for her child; but if she is not allowed to do that, it would be fine. Even though this property is zoned R-2, she said she could not imagine having another house in front of theirs. The neighbors are concerned about property values. She spoke to the Senior Property Appraiser, and he said this request would not decrease property values. She also consulted with three different realtors, and they confirmed it would not decrease property values and may increase them as long as the premises are kept very nice. She has been around horses her entire life and knows how to care for them. She will alternate pastures so the grass will remain green.

Bob Kennedy, who lives on CR 452, felt animals would limit the marketability of the properties if this property was rezoned to R-1 because more people are opposed to animals than want them. He said the planning, growth, and wishes of the residents of the area over the past years has been more to the development of R-2 and R-3 zoning.

Patricia Nix, who lives adjacent to the Lauderbaughs, said she would like to see the subject property remain at R-2 zoning. Her main concern is the unknown in the future. She was concerned that farm animals such as chickens or pigs would be brought onto the property if it is sold. She was also concerned that more than one horse would be on the property in the future.

Thomas Nix said this is his retirement home. He lives next to the Lauderbaughs whose house is so far back on the property that there is no room for a barn to house these animals. He is concerned the animals would be in front of his house. He was opposed to farm animals in this area.

Linda Hodges, adjacent property owner to the Blacks to the east, said her biggest concern was that a barn on the Lauderbaugh's property would have to be in the front of the property. She noted a car that has sat unmoved in the Lauderbaugh's front yard for two years. If they stayed and did not sell their property, she

**CASE NO.:** PH#62-05-4 **AGENDA NO.:** 9  
**OWNERS/APPLICANTS:** Joe & Ruth Back ad Scott & Heather Lauderbaugh **PAGE NO.:** 2

was concerned about what kind of barn they would have. The Backs are good neighbors, but she was concerned about the property values. She also spoke to some realtors who told her animals would not increase her property values and may decrease the value depending on the way the animals are cared for and the kind of animals on the property. That is the fear of the unknown. She spoke of problems with flies and odors that she has encountered due to the animals kept by her neighbor whose property is zoned Agriculture. She does not want to see this happen on the subject property. She pointed out that none of the seven properties zoned R-1 on Fish Camp Road have farm animals. They only have dogs and cats. Regarding the blue postcard notification, she said there were neighbors who live less than 500 feet from the property and were not notified. Paul Bryan confirmed there were signs posted on the property. Jeff Richardson, Planning Manager, said the distance for notification by Code is 300 feet. If that only includes one property, they go to the next layer of properties, 500 feet. That may not have gone as far as Fish Camp Road. Ms. Hodges said the County told her that R-1 zoning allows up to ten dogs and seven cats. Otherwise it is considered a kennel. Melanie Marsh, Assistant County Attorney, said she just verified with staff that the limitation on dogs is based on acreage, not zoning. She believed it was ten dogs up to five acres of land. Ms. Hodges said it has been determined that the Lauderbaughs could not put their barn in the back yard since they have a swimming pool there. She asked where the Backs would be allowed to put their barn. Mr. Bryan said they would have to meet the current setbacks. Mr. Richardson said it would require a variance to place an accessory structure such as a barn in the front yard. The zoning itself has no bearing on where or if that barn is placed. Ms. Hodges felt a barn in the front yard could decrease the value of her property. She asked the Board to consider her concerns.

Ms. Back said she already owns the horse she wants to put on her property. She is willing to eliminate all other types of farm animals. She suggested forming a homeowners' association with deed restrictions. She did not want to have problems with her neighbors.

Mr. Bryan asked if there was any provision for a Conditional Use Permit (CUP) in R-2. Mr. Kruse was not aware of any such provision as the R-2 zoning does not permit horses. R-1 zoning would be needed to have horses on the property.

Mr. Bryan added that Ms. Back could place deed restrictions on her property, and they could be enforced civilly; but that is not a responsibility of this Board. He personally did not have a problem with one horse on the property; but he understood the neighbors' concerns. There are no limitations and the current owners may not own the property forever. If there was a way to limit it to one horse, he could support this rezoning. He does not feel it will affect property values. There is a way to limit it to one horse through deed restrictions. If this request is not approved, Ms. Back may want to pursue that avenue and come back.

Scott Blankenship said he could not support this rezoning due to the unknown factor.

**MOTION by Scott Blankenship, SECONDED by Donald Miller to recommend denial of R-1 zoning in PH#62-05-4.**

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

**CASE NO.: PH#56-05-4****AGENDA NO.: 10****OWNER/APPLICANT: Randolph Chavers, Jr.**

John Kruse, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor. After splitting 3.19 acres into three parcels, Mr. Kruse said Mr. Chavers would like to sell the remaining ten acres. It is his understanding that the applicant plans to create the three parcels through the subdivision process.

Randy Chavers, owner/applicant, said the driveway for the three proposed lots would be on Orange Street. He bought this property 19 years ago.

Vic Boucher, a resident on Wolfbranch Road, said a ten-acre parcel backs up to the subject property. That ten-acre parcel was sold and will have one house on it. To the right of the subject property are estate homes, probably a minimum of ten-acre lots. He questioned the motive to split this property because this property has been on the market, off and on, for the past 1-1/2 years. It has a For Sale sign on the property currently. The entire property has been listed for sale. If this case is approved, he would want to make sure that it would be a family lot split, not something to be sold off in the future.

George Gideon, also a resident of Wolfbranch Road just east of the subject property, said he is opposed to this rezoning. He has spoken with several of the neighbors. He is concerned about the uncertainty in this request especially if Mr. Chavers should sell the property. Many of the lots in the area are five and ten acres with estate homes. If this is approved, he felt it could damage property values. He also felt that if a sign had been posted on Wolfbranch Road, more people would have been here. Many people do not drive on Orange Street. Traffic is already bad in this area. He was totally opposed to this rezoning request.

Mr. Chavers said there is a Planned Unit Development (PUD) to the north of his property. To the east of his property are R-1 and R-2 zoning. He plans to build three nice homes on these parcels. There are mobile homes and smaller homes in the area. He felt his request would improve the area, not harm it. The PUD across from his property has not hurt his property at all.

Mr. Boucher asked why the property is still actively on the market while changes are being made to the property. He wanted to make sure the lots are for family and would not become a subdivision.

Mr. Chavers said his property has only been on the market for six months. It is marketed at \$2.15 million. That price will be reduced once these three acres are removed from the larger parcel. He wants to provide property for his daughters to build on. Once this process is completed, he plans to have two houses built on this property by the end of the year.

**MOTION by Donald Miller, SECONDED by Timothy Morris to recommend approval of R-1 zoning in PH#56-05-4.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

**Developer Agreements**

Regarding PH#62-05-4, Scott Blankenship asked if a developer's agreement or some other mechanism would allow a property to be rezoned to R-1 for a horse and then if there is any other animal other than a horse on the property, it would revert back to R-2. Melanie Marsh, Assistant County Attorney, said the County Attorney's office could look into that for him, but the developer's agreement provision in the Code comes strictly from the Florida Statutes. Jeff Richardson, Planning Manager, said that may be coming close to bordering on contractual zoning. Ms. Marsh agreed but said she would research the subject and bring something back to this Board at the next meeting.

**Adjournment**

There being no further business, the meeting was adjourned at 12:05 p.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman